

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7647

Petition of Penn Energy Trust, LLC for a certificate of )  
public good, pursuant to 30 V.S.A. § 248, authorizing the )  
installation and operation of a 2.2 MW solar electric )  
generation facility located at the southeast corner of the )  
intersection of Route 103 and Route 7 in Clarendon, )  
Vermont )

Order entered: 12/8/2011

**ORDER RE STATUS REPORT AND SCHEDULE**

On May 3, 2010, Penn Energy Trust, LLC ("Penn Energy") filed a petition with the Public Service Board ("Board") requesting a certificate of public good under 30 V.S.A. § 248 to install and operate a 2.2 MW solar electric generation facility located at the southeast corner of the intersection of Route 103 and Route 7 in Clarendon, Vermont.

On August 27, 2010, I held a prehearing conference in this Docket. At the prehearing conference, Penn Energy stated that it did not want to schedule formal proceedings at the time and that it would work with state agencies and adjoining landowners in an informal process. In addition, Penn Energy stated that it was third on the standard-offer program's waiting list and anticipated securing a standard-offer contract. On September 2, 2010, I issued a Prehearing Conference and Scheduling Order, which allowed the parties to forgo the adoption of a formal schedule and, instead, file a joint status report on or before November 15, 2010.

On December 3, 2010, Penn Energy filed a status report, which was previously circulated to the parties, with the Board. The status report stated that Penn Energy was still on the waiting list for the solar standard-offer queue and requested that Penn Energy's petition continue to remain "'on hold' until the earlier of May 30, 2011, the date the Board will revisit the technology caps, or until . . . [Penn Energy] receives a standard-offer contract." All the parties consented to Penn Energy's request. On December 14, 2010, the Clerk of the Board issued a memorandum in

which I granted Penn Energy's request to allow its petition to remain "on hold" until May 30, 2011, at which time Penn Energy and the parties were requested to file an updated joint status report.

On June 8, 2011, Penn Energy sent an e-mail to the Clerk of the Board stating that Penn Energy received a standard-offer contract on May 30, 2011, and wished to continue pursuing its petition for a certificate of public good.

On June 30, 2011, a telephone conference was held with the parties. During the telephone conference, Penn Energy stated that it would be filing additional information to support its petition regarding the overall project description and several Section 248 criteria and the parties agreed to establish a formal schedule for this Docket, which was adopted in an Order issued July, 8, 2011.

On July 26, 2011, a site visit and a public hearing were held in Clarendon, Vermont.

On July 28, 2011, a telephone conference with the parties was held to discuss adopting a revised schedule for this Docket based on timing concerns raised during the site visit. During the telephone conference, the parties agreed on a revised schedule, which was adopted in an Order issued August 1, 2011. The revised schedule established an August 30, 2011, deadline for Penn Energy (1) to remedy deficiencies in its petition, which had been highlighted by the parties at the 2010 prehearing conference, the site visit, and the two telephone conferences held in this Docket, and (2) update its petition based on design changes presented at the site visit.

On August 11, 2011, I issued an Order granting Central Vermont Public Service Corporation's ("CVPS") July 29, 2011, motion seeking intervention in this Docket.

On August 11, 2011, Penn Energy filed a letter via e-mail, followed by a hard copy, requesting that "its formal schedule under this docket be postponed until after the Board makes its ruling as to whether" its project capacity will be measured as 2.2 MW using direct current ("DC") or alternating current ("AC"). Penn Energy cited the Vermont Sustainably Priced Energy Development Program (SPEED) Facilitator's letter of July 29, 2011, filed with the Board, raising an issue regarding the method of determining the capacity of a standard-offer project. Penn Energy stated that it had "based all of its preparations . . . on the fact that it was limited to 2.2 MW DC." Penn Energy also stated that its "project capacity may very well increase up to 18% or

more" based on the Board's decision regarding DC versus AC capacity and stated that this potential increase could materially impact CVPS's interconnection study for the project and the project's layout and potential for impacting wetlands and agricultural soils on the project site.

On August 18, 2011, I issued a Revised Scheduling Order dispensing with the formal schedule previously adopted in this Docket, which permitted Penn Energy's petition to remain on hold until October 17, 2011. The Order required that Penn Energy file a status report and, if appropriate, a proposed schedule agreed to by the parties by October 17, 2011.

On October 11, 2011, the Board issued an Order re AC Capacity of Solar Standard-Offer Projects in Docket 7533.

On October 14, 2011, Penn Energy filed a letter with the Board stating that Penn Energy was in the process of re-assigning responsibility for its project and stating that Penn Energy "plans to provide a more detailed status update to the Board and other members of the service list, as well as re-establish a proposed docket schedule, in the near future."

Penn Energy must file an updated status report by December 23, 2011. The status report should include a proposed schedule for moving ahead with this Docket, preferably a joint schedule agreed to by the parties. The proposed schedule must include a deadline for the submission of new and supplemental testimony and exhibits by Penn Energy, and, if appropriate, new proposed dates for a site visit, public hearing, and a deadline for motions to intervene. In addition, the schedule should include a date for a telephone conference to discuss the proposed schedule with the Hearing Officer and the parties.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 8<sup>th</sup> day of December, 2011.

s/Bridgette Remington  
Bridgette Remington, Esq.  
Hearing Officer

OFFICE OF THE CLERK

FILED: December 8, 2011

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*